

**UNITES STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

JOSEPH NAPARSTEK,
on behalf of himself and the class,

Case No.: 4:11-02026-RBH

Plaintiffs,

vs.

**PLAINTIFF'S ANSWERS
TO
MANDATORY INTERROGATORIES
PURSUANT TO LOCAL RULE 26.01**

ATLANTIC CREDIT & FINANCE, INC.,

Defendant.

NOW COME the Plaintiff, Joseph Naparstek, by and through his attorney, Philip Fairbanks, and for his answers to the Interrogatories mandated by Local Rule 26.01, Plaintiff hereby alleges as follows:

(A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: There are no persons or legal entities who have a subrogation interest in any of Plaintiff's claims.

(B) As to each claim, state whether it should be tried jury or nonjury and why.

ANSWER: Plaintiff requests a trial by jury pursuant to Fed. R. Civ. P. 38. As to Plaintiff's right to a trial by jury for claims brought under the Fair Debt Collection Practices Act, see *Sibley v. Fulton DeKalb Collection Service*, 677 F.2d 830 (11th Cir. 1982), and *Kobs v. Arrow Service Bureau, Inc.*, 134

F.3dc 893 (7th Cir. 1998); *See also, Barber v. Kimbrell's, Inc.*, 577 F.2d 216 (4th Cir) *cert. denied*, 439 U.S. 934, 99 S.Ct. 329, 58 L.Ed.2d 330 (1978) (T.I.L.A. claims entitled plaintiff to trial by jury).

(C) State whether the party submitting these responses is a publicly owned company and separately identify: (1) each publicly owned company publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and (3) each publicly owned company in which the party owns ten percent or more of the outstanding shares.

ANSWER: No Plaintiff to this action is a publicly owned company.

(D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). *See* Local Civil Rule 3.01.

ANSWER: This case was transferred from the United States District Court for the Southern District of New York to the District Court for the District of South Carolina and assigned to this division. Further, Plaintiff's FDCPA claim is based upon receipt of a letter within this division and Plaintiff resides within this division.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal?

ANSWER: This matter is not related to any other matter filed in this District.

s/ Philip Fairbanks
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